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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/391,460	09/08/1999	Barry Barton	47004.000030	8639
21967	7590	10/06/2005	EXAMINER	
HUNTON & WILLIAMS LLP INTELLECTUAL PROPERTY DEPARTMENT 1900 K STREET, N.W. SUITE 1200 WASHINGTON, DC 20006-1109			POINVIL, FRANTZY	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/391,460

Applicant(s)

BARTON ET AL.

Examiner

Frantzy Poinvil

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's arguments filed 6/17/2005 have been fully considered but they are not persuasive.

The Examiner's response is incorporated in the rejection found below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bachman (US Patent No. 6,315,196) in view of Lee A Spirer ("When 'bad' credit behavior becomes the norm").

As per claims 1, 8, 11, Bachman discloses a system and method for providing deferment to a delinquent customer. The system comprises a display, a storage device and an input device connected to a computer. See figure 1 of Bachman. In so doing, Bachman discloses enrolling a customer or cardmember in a deferment program whereby the customer pays a fee so that in case the customer becomes delinquent on a loan or other types of obligations, the customer's payment may be waived, recalculated or extended. Bachman teaches that a cardmember who has a credit account with a financial institution enrolls in the financial institution credit protection system.

Contacts between the cardmember and the financial institution are made through the financial institution's customer service representative. See column 6, lines 29-63.

Bachman further states "The cardmember 100 may activate the benefit when the cardmember, or the member of the household with the highest earned income, becomes hospitalized, involuntarily unemployed, or disabled or takes family leave. See column 10, lines 51-65. Bachman further teaches that these activities must be verified by the administrator's customer service representative being in communication with the cardmember. Note column 10, line 57 to column 11, line 11. Bachman further states that "Verification documentation is automatically generated and sent to the cardmember 100 by the administrator 104, and the administrator automatically transmits a notification of initiation of the benefit to the credit protector system 108.

Thus, Bachman discloses a system for providing negotiation advice to a customer service representative to negotiate with an individual delinquent on a debt obligation, the negotiation advice regarding alternative payment options specifically tailored to the individual's economic situation. Bachman thus suggests obtaining a cardmember's financial situation before generating a payment options to the cardmember. Bachman does not explicitly details the process of generating a negotiation advice in response to the selection of answers to the one or more questions that most closely correspond to a particular financial situation, the advice related to alternative payment options most suitable to the particular financial situation and displayed on the display.

Lee Spirer discloses that "The influence of behavioral scientists has resulted in a variety of new collections strategies. Behavioral modeling and scoring, for example, pinpoints

differentiated approaches for specific customer segments. Not all cardholders are alike, and therefore collections practices should be adjusted accordingly". See page 2, paragraph 6. Lee Spirer discloses obtaining financial situations of a cardmember, and provides a recommendation of dealing with the cardmember or customer's debt. See page 2, paragraph 6 to the end of page 3. Applicant is directed to the enlarged portion of the figure noted on page 3 where it is clearly indicated various scenarios and responses to alleviate a cardmember or customer's debt. Lee Spirer also discloses providing various types of alternative payment options to the delinquent cardmember or customer. See pages 2 and 3 of the teachings provided by Lee Spirer.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Lee Spirer into the system of Bachman in order to easily generate different alternative payment options most suitable to a particular financial situation of a cardmember or customer because different cardmembers may become delinquent for different reasons such as being unemployed or hospitalized.

The combination of Bachman and Spirer does not explicitly teach a first graphical user interface (GUI) displayed on the display on the computer, the first GUI comprising one or more descriptive icons, the descriptive icons representing one or more financial situations.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bachman with Lee Spirer to include these well known features therein with the motivation of providing users with instant access of descriptive buttons and when clicking those buttons, obtaining instant access of associated data would be displayed, thus providing users with the ease of using the system.

Applicant has amended the independent claim and argues that the prior art fails to teach or suggest providing negotiating advice to a customer service representative to negotiate with an individual delinquent on a debt obligation, the negotiation advice regarding alternative payment options.

In response, Bachman discloses a system and method for enrolling clients in debt payment system thereby preventing the client from becoming delinquent on an outstanding debt by paying the client's required monthly debt obligation whenever the client becomes unemployed, disabled or hospitalized. See column 10, line 52 to column 11, line 11. Spirer discloses a system and method for providing or negotiating and selecting different payment plans for a client who is delinquent on a particular debt. See the article and the figure therein. Spirer states "a more innovative approach might be to negotiate for a quick lump sum settlement of less than the outstanding balance or offer a matching gift program". See page 2 of the article. Spirer further discloses providing various strategies in providing alternate payment plans to a debtor. Bachman discloses that a customer service representative will confirm the condition of a debtor before a payment of the debtor's monthly debts are paid by asking questions. Thus, it would have been obvious to one of ordinary skill in the art to combine the teachings of Bachman and Spirer in order to determine the type of problems related to the client becoming delinquent and thereby selecting the best type of program for the particular client.

Applicant has also argued the combined teachings fail to teach or suggest a first graphical user interface (GUI) having a first set of descriptive icons describing one or more financial situations which when selected results in a second GUI comprising one or more

questions related to strategies for addressing the financial situation represented by the selected one of the descriptive icons.

In response, Bachman and Spirer teach a financial system and method which include determining the financial situations of a client. Spirer goes further to teach providing different strategies for reducing a client's debt or for providing alternate payment plans that are most suitable to a particular financial situation of that client. The combination of Bachman and Spirer does not teach a first and second graphical user interface having descriptive icons therein. The use of descriptive icons on a graphical user interface having a panel containing questions and answers is old and well used in the graphical art. See for example the teachings of [Tallman et al. (US Patent No. 5,764,923) or Boguraev (US Patent No. 6,212,494)]. One of ordinary skill in the art desiring to introduce a first or second GUI in the combined teachings of Bachman and Spirer would have turned to either Tallman et al. or Boguraev for the provision of this teaching at the time of the invention. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a first and second graphical user interface containing descriptive icons in the combination of Bachman and Spirer in for estetical purposes and at the same time providing users with instant views of contents of a graphical screen or page.

As per claim 2, the system of Bachman operates within a network, the network comprises a plurality of file servers having a plurality of databases. See figure 1 and column 9, lines 4-26 of Bachman.

As per claims 3, 9 and 12, both Bachman and Lee Spirer teach generating advice for interacting with an individual in the particular financial situation. See column 10, line 52 to column 11, line 11 of Bachman and page 3 of Lee Spirer.

As per claims 4-6 and 10, a second GUI and/or a panel for displaying questions or buttons for selecting answers are not explicitly detailed in the combination of Bachman and Spirer. The use of GUI, windows/panels and icons are well known and used in the art. See the rejection of claim 1 above. Having a second GUI displaying predetermined answers to the one or more questions from a panel would have been obvious to one of ordinary skill in the art to include in the combination of Bachman and Spirer in order to provide users with an instant view at a glance of related questions and answers for selection purposes.

As per claim 7, Bachman discloses providing various scenarios which includes various types of advices.

As per claims 12-14, the teachings of Bachman and Spirer are discussed above. Claim 12 contains features recited in claim 1 and these features are likewise rejected. Claim 12, further recites a first and second GUI for displaying questions/answers related to strategies for addressing a customer's particular general financial situation and for providing negotiation advices related to alternative payment options. Lee Spirer discloses providing questions/answers and alternative payment options to a delinquent customer. See pages 2 and 3 of Lee Spirer.

The combination of Bachman and Spirer does not explicitly teach a first graphical user interface (GUI) displayed on the display on the computer, the first GUI comprising one or more descriptive icons, the descriptive icons representing one or more financial situations and a second GUI for displaying questions/answers to a customer or user. The use of GUI, windows/panels

and icons are well known and used in the art. See the rejection of claim 1 above. Having a second GUI displaying predetermined answers to the one or more questions from a panel would have been obvious to one of ordinary skill in the art to include in the combination of Bachman and Spirer in order to provide users with an instant view at a glance of related questions and answers for selection purposes.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bachman with Lee Spirer to include these well known features therein with the motivation of providing users with instant access of descriptive buttons and when clicking those buttons, obtaining instant access of associated data would be displayed, thus providing users with the ease of using the system.

Conclusion


3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday from 7:00AM to 5:30PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached on (703) 308-0505. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Frantzy Poinvil
Primary Examiner
Art Unit 3628

FP
August 3, 2005